

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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D.M., <i>individually and in his capacity as father of</i> D.W.,	:	
	:	
Plaintiffs,	:	
	:	23-CV-759 (JMF)
-v-	:	
	:	<u>ORDER</u>
NEW YORK CITY DEPARTMENT OF EDUCATION,	:	
	:	
Defendant.	:	
	:	
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JESSE M. FURMAN, United States District Judge:

In this case, Plaintiffs seek attorney’s fees in connection with their claims under the Individuals with Disabilities Education Act, Title 20, United States Code, Section 1410 *et seq.* By separate Order to be entered today, the Court is referring the matter to the assigned Magistrate Judge both for General Pretrial Purposes, including settlement, and for any dispositive motions, including motions for summary judgment.

Unless and until the Magistrate Judge orders otherwise, the parties shall file a joint letter (addressed to the Magistrate Judge), no later than **two weeks of the date on which Defendant enters an appearance**, and not to exceed two pages, indicating whether there is any need for discovery or an initial conference in this case. If there is no such need, the parties should include in their letter a proposed briefing schedule for any motions, including motions for summary judgment.

In addition, to conserve resources, to promote judicial efficiency, and in an effort to achieve a faster disposition of this matter, it is hereby ORDERED that the parties must discuss whether they are willing to consent, under 28 U.S.C. § 636(c), to conducting all further


proceedings before the assigned Magistrate Judge.

If both parties consent to proceed before the Magistrate Judge, Plaintiff shall, **within two weeks of the date on which Defendant enters an appearance**, either mail or email to [Furman\\_NYSDChambers@nysd.uscourts.gov](mailto:Furman_NYSDChambers@nysd.uscourts.gov) a fully executed Notice, Consent, and Reference of a Civil Action to a Magistrate Judge form, a copy of which is available at <https://www.nysd.uscourts.gov/node/754>. If the Court approves that form, all further proceedings will then be conducted before the assigned Magistrate Judge rather than before the undersigned.

If either party does not consent to conducting all further proceedings before the assigned Magistrate Judge, the parties must file a joint letter **by the same deadline** advising the Court that the parties do not consent, **but without disclosing the identity of the party or parties who do not consent**. There will be no adverse consequences if the parties do not consent to proceed before the Magistrate Judge.

SO ORDERED.

Dated: January 31, 2023  
New York, New York

  
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JESSE M. FURMAN  
United States District Judge